

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 29

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SHUICHI HASHIMOTO

Appeal No. 96-3420
Application 08/164,783¹

ON BRIEF

Before THOMAS, CARMICHAEL, and LALL, Administrative Patent Judges.

CARMICHAEL, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of Claims 1-6, 8-15, and 17-21, which constitute all the claims remaining in the application.

Claim 1 reads as follows:

¹ Application for patent filed December 10, 1993. According to appellant, the application is a continuation of Application 07/766,384, filed September 27, 1991, now abandoned.

A servo head positioning method for controlling a position of a servo head from a first track position on a disk to a second track position on the disk during a seek operation, said servo head reading a servo signal from tracks formed on the disk, said servo head positioning method comprising the steps of:

(a) setting an initial movement quantity of the servo head and a predetermined access time in dependence upon the initial movement quantity;

(b) controlling velocity and position of the servo head depending on the initial movement quantity and a difference between a present track position of the servo head and the second track position;

(c) detecting when the servo head reaches the second track position;

(d) detecting passage of the predetermined access time from a start of the seek operation;

(e) ending the seek operation after said detecting in step

(d) if said detecting in step (c) occurs earlier than said detecting in step (d); and

(f) ending the seek operation after said detecting in step (c) if said detecting in step (c) occurs later than said detecting in step (d)

The examiner's Answer cites the following prior art:

Horie et al. (Horie)	5,016,126	May 14, 1991
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OPINION

The claims stand rejected under 35 U.S.C. § 103 as unpatentable over Horie and admitted prior art.

The invention relates to controlling the motion of a servo head from one track position to a second track position on a disk. The claims all require a procedure or means for handling the situation where the step of "detecting when the servo head reaches the second track position" occurs before the step of "detecting passage of the predetermined access time." Appellant argues that the prior art does not disclose such a procedure or means. Supplemental Reply Brief (Paper No. 25) at 2. The examiner postulates that such a procedure would take place in Horie if the head overshot the second track position and then the seek operation ended after passage of the predetermined time. Examiner's Answer (Paper No. 22) at 5-6.

The examiner's interpretation of Horie supposes that the second track position is detected when the head passes over the second track position en route to an overshoot. The examiner's interpretation further supposes a condition in which such detection could occur before the predetermined time expires. The examiner's interpretation even further supposes Horie has a procedure or means for ending the seek operation after the time is detected if such a condition were to occur.

Horie's Figure 3 suggests that the postulated condition cannot occur because the track position detection step 308 occurs after the predetermined time expires at step 307. Column 4, lines 36-49. Since we are unable to find that the condition could occur in Horie, we are unable to assume that Horie has a procedure or means for handling the condition.

The examiner's interpretation of Horie is creative and within the realm of possibilities, but is too speculative to support the present rejection. The examiner does not rely on the admitted prior art to bolster that interpretation. Upon our own review, we are unable to find any additional support for the rejection in Horie or in the admitted prior art. Therefore, we will not sustain the rejection.

CONCLUSION

The rejection of Claims 1-6, 8-15, and 17-21 is not sustained.

REVERSED

JAMES D. THOMAS)

Appeal No. 96-3420
Application 08/164,783

Administrative Patent Judge)	
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)	BOARD OF PATENT
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